

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF OKLAHOMA**

1) JENNIAFER WALTERS,	)	
	)	
Plaintiff,	)	
	)	
v.	)	
	)	Case No. <u>CIV-22-680-JD</u>
1) VERITIV OPERATING COMPANY, and	)	State Case No. CJ-2022-3192
2) METROPOLITAN LIFE INSURANCE	)	District Court of Oklahoma County
COMPANY,	)	
	)	
	)	
Defendants.	)	

**NOTICE OF REMOVAL**

TAKE NOTICE that Defendant Metropolitan Life Insurance Company (“MetLife”) removes this action from the District Court of Oklahoma County to this Court pursuant to 28 U.S.C. § 1446(a). As grounds for removal, Defendant would show the Court as follows:

1. On July 5, 2022, Plaintiff filed an Action for an Accounting (“Petition”) in the District Court in and for Oklahoma County, Oklahoma, captioned *Jenniafer Walters v. Veritiv Operating Company and Metropolitan Life Insurance Co.*, Case No. CJ-2022-3192 (the “State Court Action”).

2. A copy of the Summons and Petition were thereafter served on MetLife through the office of the Oklahoma Insurance Commissioner on or about July 12, 2022.

3. MetLife has filed this Notice of Removal within the thirty-day period provided by 28 U.S.C. § 1446(b).

4. Pursuant to 28 U.S.C. § 1446(a) and LCvR 81.2, MetLife has attached as exhibits to this Notice of Removal true and legible copies of all documents filed or served

in the State Court Action. Specifically, a copy of the Docket Sheet from the State Court Action is attached as Exhibit 1. A copy of the Petition is attached as Exhibit 2. A copy of the Summons served on MetLife is attached as Exhibit 3. A copy of the Summons served on Defendant Veritiv Operating Company (“Veritiv”) is attached as Exhibit 4. Also attached, as Exhibits 5 and 6, are the Entries of Appearance filed by Amber Hurst and Mark Hammons of Hammons, Hurst & Associates as counsel for Plaintiff. At the time of filing this Notice of Removal, there have been no other filings or proceedings in the State Court Action except those attached as Exhibits 1-6.

5. In filing this Notice of Removal, MetLife does not waive any defense or counterclaim that may be available.

6. This action involves a federal question over which this Court has original jurisdiction under 28 U.S.C. § 1331, and which may be removed to this Court without regard to the citizenship of the parties under 28 U.S.C. § 1441, in that Plaintiff asserts in the Petition a claim for life insurance benefits under, and claims relating to the administration of benefits under, an employee welfare benefit plan (the “Plan”) as defined in and governed by the Employee Retirement Income Security Act of 1974, 29 U.S.C. § 1001 *et seq.* (“ERISA”), established by Plaintiff’s late husband’s employer, Veritiv, as appears on the face of the Petition, Ex. 2 at ¶¶ 2, 5-11, and from the Veritiv Term Life & Accidental Death and Dismemberment Insurance Plan, pertinent pages of the description of which are attached hereto as Exhibit 7. *See* 29 U.S.C. § 1002(1). Because the Petition seeks relief that would fall within ERISA’s civil enforcement provision, 29 U.S.C. §

1132(a), raising a federal question, this cause may be removed to this Court. *Metro. Life Ins. Co. v. Taylor*, 481 U.S. 58 (1987).

7. Veritiv has consented to the removal of this action pursuant to 28 U.S.C. § 1446(b)(2)(A). (Exhibit 8, Veritiv Consent).

8. Written notice of the filing of this Notice of Removal will be given promptly to counsel for Plaintiff, and a copy of the Notice of Removal will be filed with the Clerk of the District Court of Oklahoma County, Oklahoma, as provided by 28 U.S.C. § 1446(d).

WHEREFORE, MetLife removes this action to this Court and invokes this Court's jurisdiction.

Dated: August 9, 2022.

Respectfully submitted,

s/Lisa T. Silvestri

Lisa T. Silvestri, OBA No. 19239

**GABLEGOTWALS**

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**ATTORNEYS FOR DEFENDANT  
METROPOLITAN LIFE INSURANCE  
COMPANY**

**CERTIFICATE OF SERVICE**

This is to certify that on August 9, 2022, a true and correct copy of the above and foregoing document was mailed to the offices of:

Mark Hammons  
Hammons, Hurst & Assoc., PLLC  
325 Dean A. McGee Avenue  
Oklahoma City, OK 73102

*s/Lisa T. Silvestri*

Lisa T. Silvestri